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May 22, 2008

By Facsimile Transmission:  
212-805-0426

Honorable Laura Taylor Swain  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, New York

**MEMO ENDORSED**

Re: *Ognibene v. Schwarz*  
08 CV 1335 (LTS)

Dear Judge Swain:

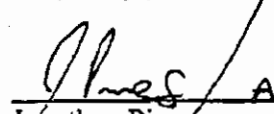
In accordance with Your Honor's instructions, on behalf of the parties, I am writing to apprise the Court of the discovery and briefing schedule agreed to by the parties, and to inform Your Honor of the status of remaining discovery disputes.

The parties propose the following schedule in connection with plaintiffs' pending preliminary injunction motion:

Plaintiffs' response to defendants' discovery requests:	June 6
Depositions of plaintiffs' PI witnesses:	Week of June 16
Defendants' opposition to PI:	July 21
Plaintiffs' reply	August 4

Regarding defendants' pending discovery requests, the parties have resolved all but two of plaintiffs' issues with the requests; and, as to those two, are continuing to discuss possible solutions. If those discussions prove unproductive, we will, as Your Honor has directed, refer any remaining disputes to Magistrate Judge Katz, for his assistance.

Very truly yours,

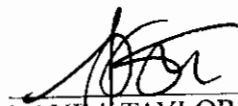
  
Jonathan Pines  
Assistant Corporation Counsel

Copies (by fax) to:

Magistrate Judge Theodore H. Katz - 212-805-7932  
Joe La Rue - 812-235-3685  
Charles Capetanakis - 212-286-1884  
Counsel for Plaintiffs

The proposed schedule is approved.  
The July 25, 2008 conference is adjourned  
to August 20, 2008 at 12:00pm noon.

SO ORDERED.

 5/22/08  
LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE